



GRIEVANCE POLICY

Approved and signed by the Board of Trustees
8/12/16

CHANGES

September 2009:
Policy Implemented

June 2010:
Styling revised in line with corporate guidelines

April 2016:
General update throughout

November 2016:
Adopted by Discovery Multi Academy Trust, with appropriate minor amendments.

CONTENTS

- 1 Introduction
- 2 Definition of a grievance
- 3 In scope
- 4 Out of scope
- 5 Principles
- 6 Informal procedure
- 7 Formal procedure
- 8 Procedure for people who have left employment
- 9 Keeping records
- 10 Support for employees

I INTRODUCTION

Discovery Multi Academy Trust recognises that there may be occasions when an employee wants to raise a concern or grievance relating to their employment. This policy aims to encourage communication between employees and the Chief Executive Officer (CEO) and to ensure that a clear and transparent process exists to raise and resolve any problems that may arise during the course of employment.

Most issues of concern that arise can be resolved through informal discussion amongst those staff directly involved or where necessary with the support of the Head of School or CEO. Employees are therefore expected in the first instance to utilise this approach when seeking to resolve any concerns they may have related to their employment.

Employees who choose to raise a genuine grievance should have confidence they are able to do so without fear of victimisation. Any member of staff involved in raising a grievance or responding to it have a duty to act honestly and without malice to anyone else. Individuals who knowingly makes a false complaint with malicious intent will be subject to disciplinary action.

The Investigating Officer will be responsible for ensuring all grievances are dealt with in accordance with the steps set out in this policy and in a non-discriminatory and consistent way.

Employees raising a grievance have the right to be accompanied by a work colleague or represented by a trade union official during all stages of the procedure.

The MAT may vary its Grievance Policy and/or Grievance Procedure Guide, where it is appropriate to do so, and in order to comply with any statutory duty.

2 DEFINITION OF A GRIEVANCE

A grievance is a complaint made by an employee about an action which the MAT has taken, or is contemplating taking, in relation to their work.

Grievances can relate to:

- terms and conditions of employment which are at the discretion of the MAT
- failure to address a health and safety issue
- failure to deal with difficult working relationships
- failure to address an incidence of bullying and harassment
- failure to consult on the introduction of new working practices
- failure to address working environment issues
- discrimination/unfair treatment

This list is not exhaustive.

3 IN SCOPE

This policy applies to all MAT employees.

4 OUT OF SCOPE

This policy does not apply in the following cases:

- Where alternative appeal processes exist. (e.g. pay appeal process)
- Where the issue has previously been addressed under this policy and there is no new evidence.
- A collective dispute which should be raised by the Trade Union formally in writing to the Board of Trustees.
- Where the matter relates to the application of conditions of service outside the MAT's control e.g. arising from national, provincial or local agreements.
- If the employee raises a concern in compliance with the Public Interest Disclosure Act; please refer to the Whistleblowing Policy for further details.

5 PRINCIPLES

Formal grievances will be handled as quickly and fairly as possible. Informal grievances will initially be addressed in accordance with the Section 6 of this policy. Timescales specified will apply unless varied by agreement between both parties.

If the grievance relates to bullying, harassment, discrimination or victimisation, please refer to the **Anti Bullying and Harassment Policy**.

6 INFORMAL PROCEDURE

Employees should in the first instance, and where practicable to do so, take all reasonable steps to resolve their concerns directly with other parties who may be involved. Where necessary this may follow a conversation with the Head of School or other senior member of staff to check this course of action is appropriate in the circumstances. The informal input and involvement of the Head of School or other senior member of staff may be agreed at this stage. Employees who feel unable to discuss their concerns directly with the other party or approach their Head of School, may informally approach the CEO.

When approached by an aggrieved employee raising a concern the Head of School will seek to resolve the grievance on an informal basis, taking advice if necessary from other parties. The Head of School and employee will work together to seek to resolve the problem. If resolved at this stage, the CEO will make a note of the outcome and place it on the employee's file.

If the grievance cannot be resolved through informal discussions, the formal procedure may then be used.

7 FORMAL PROCEDURE

Statement of Grievance

An employee wishing to raise a formal grievance should at the earliest opportunity submit their grievance formally, in writing to the Head of School setting out clearly and precisely the nature of their grievance and the outcome they are seeking. Where the grievance relates to the actions of the Head of School, the grievance should be forwarded direct to the CEO.

Investigation

The Head of School or CEO will commission an investigation. The appointed Investigating Officer will ensure they can act impartially and have no conflict of interest.

Grievance Hearing

Hearings may be conducted by either the CEO or a panel of Board Members, except in cases where the Head of School:

- Commissions or conducts an investigation
- Is a witness to the investigation
- Is the subject of the complaint

This is when the hearing must be conducted by a panel of Board Members.

The CEO will write to the employee with a date for a Hearing, normally within 10 working days, of the investigation being completed. If the grievance raised is against the Head of School, the CEO will make arrangements for a panel of Board Members to meet to hear the grievance and issue relevant documents including letters of invitation to attend.

The aggrieved employee will be invited and must take all reasonable steps to attend the Hearing.

If the employee is unable to attend the Grievance Hearing and can provide reasonable grounds for not being available, an alternative date will be arranged, normally within 5 working days. If the reasons are medical then a medical certificate may be requested from the employee.

Failure to attend without reasonable justification will be investigated and appropriate action taken.

The employee has the right to be accompanied by a work colleague or trade union representative.

At the Grievance Hearing the employee will be given an opportunity to put forward their grievance and the remedy they will be seeking. The findings of the investigation will be presented and discussed by those present at the hearing.

After the Hearing, the Chairperson will write to confirm the outcome of the grievance, normally within five working days. Employees not satisfied with outcome will have the right to appeal.

Appeal

An employee who wishes to appeal must formally write to the Chair of the Board of Trustees, confirming their grounds for appeal and the resolution they are seeking. This must be submitted to the MAT within 5 working days of receiving written confirmation of the outcome of the Grievance Hearing.

The Appeal Hearing is the final stage of the procedure.

8 PROCEDURE FOR PEOPLE WHO HAVE LEFT EMPLOYMENT

Wherever possible a complaint should be dealt with before an employee leaves employment. However, an employee who has left employment and wishes to raise a grievance should write to their Head of School (or if the complaint relates to the Head of School, the CEO), setting out

their complaint as soon as possible after leaving employment. Board Members will reserve the right not to consider complaints received longer than 4 weeks after the date employment ceased.

The Head of School/CEO will respond to the issues raised in writing direct to the employee. A letter of response will be sent without unreasonable delay. There is no appeal process in these circumstances.

9 KEEPING RECORDS

All documents relating to formal complaints and grievances processes will be kept for an appropriate period in accordance with the requirements of the Data Protection Act 1998. Records will include:

- The nature of the grievance
- A copy of the written grievance
- The CEO or Board of Trustees' response
- Action taken
- Reasons for action taken
- Whether there was an appeal and, if so, the outcome; and
- Any subsequent developments

All records will be treated as confidential. In exceptional circumstances, for example to protect a vulnerable witness, the MAT might exercise a duty of care and withhold or extract some information. If witnesses reasonably request to remain anonymous, all practical steps will be taken to protect their identity, however in some circumstances it may be inevitable that an employee's identity is revealed. Maintaining an employee's anonymity therefore cannot be guaranteed.

10 SUPPORT AVAILABLE FOR EMPLOYEES

Employees can approach the Head of School or CEO for advice and support. In some cases, a referral may be made to the MAT's Occupational Health provider for counselling. Alternatively, employees who are a member of a Trade Union may wish to contact their representative.